

Conference Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 259

HOUSE BILL 2279

AN ACT

AMENDING SECTION 15-511, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-511, Arizona Revised Statutes, is amended to
3 read:

4 15-511. Use of school district or charter school resources or
5 employees to influence elections; prohibition; civil
6 penalty

7 A. A ~~school district~~ PERSON ACTING ON BEHALF OF A SCHOOL DISTRICT OR
8 A PERSON WHO AIDS ANOTHER PERSON ACTING ON BEHALF OF A SCHOOL DISTRICT shall
9 not use its SCHOOL DISTRICT OR CHARTER SCHOOL personnel, equipment,
10 materials, buildings or other resources for the purpose of influencing the
11 outcomes of elections. Notwithstanding this section, a school district may
12 distribute informational reports on a proposed budget override election as
13 provided in section 15-481, subsections B and C or informational pamphlets
14 REPORTS on a proposed bond election as provided in section 15-491,
15 subsection D. Nothing in this section precludes a school district from
16 reporting on official actions of the governing board.

17 B. An employee of a school district OR CHARTER SCHOOL who is acting
18 as an agent of or working in an official capacity for the school district OR
19 CHARTER SCHOOL may not give pupils written materials ~~that are designed to~~
20 influence the outcome of an election or to advocate support for or opposition
21 to pending or proposed legislation.

22 C. Employees of a school district OR CHARTER SCHOOL may not use the
23 authority of their positions to influence the vote or political activities
24 of any subordinate employee.

25 D. Nothing contained in this section shall be construed as denying the
26 civil and political liberties of any ~~employee~~ PERSON as guaranteed by the
27 United States and Arizona Constitutions.

28 E. BY JANUARY 1, 2004, THE ATTORNEY GENERAL SHALL PUBLISH AND
29 DISTRIBUTE TO SCHOOL DISTRICTS AND CHARTER SCHOOLS A DETAILED GUIDELINE
30 REGARDING ACTIVITIES PROHIBITED UNDER THIS SECTION. THE ATTORNEY GENERAL MAY
31 DISTRIBUTE THESE GUIDELINES THROUGH A WEBSITE OR ELECTRONICALLY.

32 F. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH
33 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE
34 SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL DISTRICT OR CHARTER SCHOOL
35 IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

36 G. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
37 PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS PLUS ANY AMOUNT OF MISUSED FUNDS
38 SUBTRACTED FROM THE SCHOOL DISTRICT BUDGET AGAINST A PERSON WHO KNOWINGLY
39 VIOLATES OR A PERSON WHO KNOWINGLY AIDS ANOTHER PERSON IN VIOLATING THIS
40 SECTION. THE PERSON DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION
41 SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES AND MISUSED FUNDS.
42 SCHOOL DISTRICT FUNDS OR INSURANCE PAYMENTS SHALL NOT BE USED TO PAY THESE
43 PENALTIES OR MISUSED FUNDS. ALL MISUSED FUNDS COLLECTED PURSUANT TO THIS
44 SECTION SHALL BE RETURNED TO THE SCHOOL DISTRICT OR CHARTER SCHOOL WHOSE
45 FUNDS WERE MISUSED.

1 H. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A LEGAL
2 OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER A PROPOSED
3 USE OF SCHOOL DISTRICT RESOURCES WOULD VIOLATE THIS SECTION.

4 I. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN
5 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE
6 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
7 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT
8 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY
9 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
10 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

11 J. FOR THE PURPOSES OF THIS SECTION, "MISUSED FUNDS" MEANS SCHOOL
12 DISTRICT MONIES OR RESOURCES USED PURSUANT TO SUBSECTION A OF THIS SECTION.

APPROVED BY THE GOVERNOR MAY 27, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2003.

Passed the House March 5, 2003,

Passed the Senate April 30, 2003

by the following vote: 41 Ayes,

by the following vote: 29 Ayes,

15 Nays, 4 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Spoman L. Moore
Chief Clerk of the House

Charmen Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2279

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 21, 2003,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

Mike I. Lake
Speaker of the House

Speman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 21, 2003,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

Klu Blumett
President of the Senate

Chaimin Billings
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2003

at 4:00 o'clock P M.

Sandra Camus
Secretary to the Governor

Approved this 27 day of

May, 2003,

at 8⁰⁰ o'clock A. M.

Jan Noyes
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27th day of MAY, 2003

at 2:30 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2279